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The Role of Notaries in Implementing... (Ar-Rahiim Innash)

The Role of Notaries in Implementing the Provisions of the Compilation of Islamic Law (KHI) on the Distribution of Inheritance to Orphans, Victims of Natural Disasters Who are in Trusteeship

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Abstract. *This study aims to determine and analyze the implementation of the provisions of the Islamic Law Compilation regarding the distribution of inheritance to orphans who are victims of natural disasters who are in guardianship. To find out and analyze the role of the notary in the implementation of the distribution of inheritance to orphans victims of natural disasters who are in guardianship. And to find out and analyze the obstacles and solutions to the distribution of inheritance experienced by orphans who are victims of natural disasters who are in guardianship. The research method used in this research is juridical empirical, while the data collection method uses library research and field research. The data analysis method was carried out qualitative then presented descriptively. This research resulted in the main notary's responsibility in making inheritance deeds for the share of orphans who are victims of natural disasters who are in guardianship, still following the perspective provisions of Article 106 of Act No. 23 of 2006 as amended by Act No. 24 of 2013 concerning Population Administration. , because population classification has no longer been applied since the enactment of the Population Administration Law. Notaries have the authority to make a Certificate of Inheritance regardless of population classification. The authority of the Notary in making the Certificate of Inheritance for Indonesian Citizens is based on the provisions of Article 15 of the UUJN, so that the Certificate of Inheritance for Indonesian Citizens is made in the form of this authentic deed based on the provisions of Article 1868 of the Civil Code. The role of the notary in making SKW is only to confirm that the existence of an SKW is very authentic evidence. In addition, the role of the notary in the distribution of Islamic inheritance, but the one who has full authority to determine legal recognition and termination is the Religious Court. Notary in the distribution of inheritance plays a role in making the Deed of Inheritance Statement and Certificate of Inheritance Rights. If there is a dispute, the notary can make peace deeds and/or an agreement to relinquish the rights of claim. The notary in the distribution of inheritance plays a role in making the Deed of Inheritance and Certificate of Inheritance If there is a dispute, the notary can make peace deeds and/or an agreement to*

relinquish the rights of claim. The notary in the distribution of inheritance plays a role in making the Deed of Inheritance and Certificate of Inheritance. If there is a dispute, the notary can make peace deeds and/or an agreement to relinquish the rights of claim.

Keywords: Role of Notary; Distribution of Inheritance; KHI; Deed; Religious Court.

1. Introduction

Disaster is very often we hear in everyday life, because we often encounter the word disaster in both printed and electronic newspapers. A disaster is an event or series of events that results in victims of human suffering, loss of property, damage to the environment, facilities and infrastructure and can cause disruption to the order of life and community livelihoods.¹

According to Act No. 24 of 2007, the definition of disaster is an event or series of events that threatens and disrupts the life and livelihood of the community which is caused, both by natural factors and/or non-natural factors as well as human factors resulting in human casualties, environmental damage, property loss, and psychological impact.²

A disaster will not choose victims, whether they have high or low social status, rich or poor, educated or not, normal or disabled. Everyone will be affected by the disaster, if he is in the position where the disaster occurred. This kind of situation encourages humans to be able to increase their ability to face a disaster. Preparedness is a part of the disaster management process and in the current concept of disaster management, increased preparedness is one of the important elements of pro-active risk reduction activities, prior to a disaster.³ In this case the tsunami creates tremendous fear or we often call it (trauma) for those who experience it, not only for adults, but this is very influential on children, especially early childhood which can cause stress and suffering which is great to him.

¹ Sudibyakto. (2011). *Manajemen Bencana di Indonesia Ke Mana*. Jogjakarta : Gadjah Mada Univeristy Press. p.1

² Siti Nurmawan Sinaga, SKM, M.Kes, "Peran Petugas Kesehatan Dalam Manajemen Penanganan Bencana Alam Jurnal Ilmiah Integritas", Vol.1 No. 1 Januari 2015

³ Jan Sopaheluwakan dkk.(2006). *Kajian Kesiapsiagaan Masyarakat dalam Mengantisipasi Bencana Gempa Bumi dan Tsunami*, LIPI - UNESCO/ISDR.

For children whose parents both died (orphans), the earthquake and tsunami left a very heavy trauma. This disaster provided shocking and painful experiences for the children affected by the tsunami. These children suffered injuries or shock (shock) as a result of experiencing the disaster firsthand, seeing their parents and people around them being washed away by the tidal waves of the tsunami, and seeing the house they lived in destroyed without a trace. The shock condition experienced by children who experience this indicates that they have experienced psychological trauma.

Steps that must be taken towards tsunami victims experienced by children who are still at an early age is to adopt child guardianship. The appointment of guardians of this child has been carried out in various regions. This is so that the child gets the obligations and rights that he should have had since he was a child.

Guardianship is an adult arrangement for people who are "deficient" in personality and assets. What is meant here is a person whose expertise is imperfect or the merits of a person to be held accountable legally for all his actions. Whether it is missing an expert at all, such as a child who is not yet *mumayyiz*, or an expert who is lacking, such as a child who is *mumayyiz* or a child who has reached the age of 7 years and has been able to distinguish what is beneficial for him from what is possible. harm himself. This person is to be called *al-qaashir* or a person who is not perfect at his expertise.⁴

Because the child is not yet able to take care of himself, his interests are primarily towards his assets and therefore it is necessary to appoint or appoint a guardian who can act as a parent with duties stipulated by law. However, if the family or guardian cannot be fair, then the role of a notary is needed to be able to resolve the problem. However, here the role of the notary is only to help solve the problem of distributing the inheritance of orphans who are under guardianship, in other words.

In this case, the notary as one of the public officials who has the authority to make authentic deeds and other powers as saved by him by law, the notary plays a role in the interests of every citizen with an interest in making deeds, inseparable from the interests of Muslim citizens or orphans who are in trust who want to manage their assets.

⁴ Wahbah az-Zuhaili, 2011, *Fiqih Islam Wa Adilatuhu*, Diterjemahkan oleh Abdul Hayyie al-Kattani, dkk, jilid 10/cet. Ke 10, jakarta: Gema Insani.p.82

2. Research Methods

The research method used in this research is juridical empirical. While in the implementation of this research the writer uses a descriptive type of analysis. The data collection method uses library research and field research. While the data analysis method was carried out qualitatively then presented descriptively.

3. Results and Discussion

3.1 Implementation of the provisions of the Compilation of Islamic Law Regarding the Distribution of Inheritance to Orphans, Victims of Natural Disasters who are in Trusteeship.

The Religious Court is a process of providing justice based on Islamic Law to Muslims which is carried out in the Religious Courts and the High Religious Courts. The existence of a religious court, in the Indonesian national justice system, is one of the executors of judicial power. The Religious Courts have the authority to resolve issues related to marriage, guardianship, inheritance and waqf. These problems are part of the object of fiqh work, and are integrally part of the scope of Islamic law, both in the sharia dimension and in the fiqh dimension. Islamic Sharia, which has been clarified with jurisprudence, has regulated quite detailed legal issues. These rules are used as guidance by Muslims in solving problems that arise related to legal problems, However, because there are differences of opinion from the scholars regarding the certainty of these rules, often the problems that arise cannot be resolved completely. The implementation of law in Indonesia will be supported by 3 things, namely: reliable law enforcement agencies, clear legal regulations, and public legal awareness.⁵

In the Compilation of Islamic Law, although by many parties it is not recognized as statutory law, its implementation in the Religious Court has agreed to make it a guideline for conducting work in the Court.⁶ Thus the Islamic Law Compilation (KHI) in the field of inheritance has become a legal book in the Religious Courts institution. If in the past the inheritance law was in fiqh books arranged in the form of a teaching book,

⁵ <https://media.neliti.com/media/publications/164891-ID-perwalian-terhadap-pengurusan-harta-anak-pdf> accessed on Friday June 20, 2020 at 11.03 WIB.

⁶ Amir Syarifuddin, *Hukum Kewarisan Islam*. Jakarta : Prenada Media Group. p. 321.

nowadays, the Islamic Law Compilation (KHI) has been repeated in a statutory format. This is done to make it easier for judges in the Religious Courts to refer to it. Does this mean that the law of inheritance from fiqh mawaris or faraidh has been replaced by the Islamic Law Compilation? One thing that can be ascertained is that the Islamic inheritance law so far called fiqh mawaris or faraid has been used as one of the main sources of compilation. Another source is the statutory law regarding inheritance contained in the Civil Code which is still valid until now, and the reality that prevails in society as stipulated in the jurisprudence of the Religious Courts. The compilation of Islamic Law that regulates inheritance consists of 23 articles, from Article 171 to Article 193.⁷

The meaning of guardianship in the context of this study is guardianship as contained in Articles 107-112 of the Islamic Law Compilation (KHI), which states that it is "as an authority to carry out legal actions for the benefit of children whose parents have died or are unable to carry out legal proceedings".⁸

In the Islamic Law Compilation, there is also the law of child care. Especially in Chapter XIV about child care. As for the Articles, namely: Article 98

paragraph (1): "The age limit for children who are able to stand alone or mature is 21 years, as long as the child is not physically or mentally disabled or has never been married".

Paragraph (2): "The parents represent the child regarding all legal actions inside and outside the court.

Paragraph (3): "The Religious Court may appoint one of the closest relatives who is capable of fulfilling this obligation if both parents are unable".

Based on Article 105 paragraph (a) Compilation of Islamic Law (KHI), "The care of a 12 year old child, or what is known as mumayyiz is the right of the mother." This article states that when a divorce occurs, the mother will fully become the foster parent or

⁷ Compilation of Islamic Law Article 171 - Article 193.

⁸ Mardani. (2016). *Hukum Keluarga Islam di Indonesia*, cet I, Jakarta: Prenada Media Group. p 136-139.

guardian of the child. Likewise if the father of the child dies. However, mothers must obtain official permission from the court to fully become guardians of the child. Religious Courts for Muslims and District Courts for Non-Muslims.

Furthermore, Article 105 paragraph (b) of the KHI states that "The maintenance of a child who is old enough or *mumayyiz* will be left to the child to choose between his father or mother as the holder of the right to care for him. "If it turns out that both of the child's parents have passed away, the child will be given the freedom to choose, whether to live with other relatives or live independently. And the last Article 105 paragraph (c) KHI is "maintenance costs borne by the father".

In certain conditions, for example the parent is absent or unfit to care for the child, the court can assign the custody status to the parties entitled to care for the child. Every family or other person also has the right to be the guardian of the minor. In Article 156 paragraph (c) of the KHI it is written that "If the *Hadhanah* holder is unable to guarantee the physical and spiritual safety of the child, even though the cost of living has been fulfilled, then at the request of a relative the Religious Court can transfer his custody to another relative."

This condition occurs when the mother who is the direct foster parent of the child when there is a divorce or the father of the child dies shows an unkind attitude and triggers a bad impact on the child's development. If both parents of the child are dead, whoever is the relative or other person who wants to be guardian, needs to submit an application to the local Religious Court or District Court.

Meanwhile, guardianship and custody of children are fully regulated in Article 107 - Article 110 KHI. In Article 107, it is stated that "Guardianship can only be performed on children who are under 21 years of age and or have never been married. "This trust, of course, includes the self and the assets of the child."⁹

Meanwhile, the implementation of the distribution of inheritance is contained in the provisions of Articles 187-188 of the KHI. It reads Article 187 KHI

⁹ <https://smartlegal.id/hukum-keluarga/2018/12/26/syarat-perwalian-anak-dibawah-umur/> accessed on Friday June 12 , 2020 at 20.26 WIB.

- (1) If the heir leaves the inheritance of the inheritance, then by the heir during his lifetime or by the heirs, several people may be appointed as executors of the distribution of the inheritance with the following tasks:
 - a. record in a register of inheritance, whether in the form of movable or immovable objects which are then legalized by the heirs concerned, if necessary the price is valued in money;
 - b. calculate the total expenditure for the benefit of the beneficiary in accordance with Article 175 paragraph (1) sub a, b, and c.
- (2) The remainder of the expenditure referred to above is an inheritance which must be distributed to the entitled heirs.

Reads Article 188

The heirs, either jointly or individually, can submit a request to the other heirs to distribute the inheritance. If any of the heirs do not agree with the request, then the person concerned can file a lawsuit through the Religious Court to distribute the inheritance. It can be concluded that the distribution of the inheritance of the orphan in trusteeship can be distributed independently or can be resolved in a family manner, but if it cannot be distributed fairly then it will be sued to the Religious Court as stipulated in Article 188 KHI.

3.2 The Role of Notaries in Implementation Regarding the Distribution of Inheritance to the Trusteeship of Orphans of Natural Disaster Victims.

A certificate of inheritance is a form of proof from the heir about the truth that the right person and entitled to inherit from the heir, in which it explains the position of the heir and the relationship with the heir.

The statement of inheritance rights is made with the aim of proving who is the legal heir of the legacy that has been exposed according to law and the portion or share of each heir to the open inheritance.

The existence of a certificate of inheritance in the registration of transfer of rights to land because inheritance is very important, the legality of the new right holder is proven by the certificate of inheritance. The regulation regarding the making of the Certificate of Inheritance for the Bumiputera group is contained in Article 111 paragraph (1) letter c Regulation of the Minister of Agrarian Affairs/Head of the National Land Agency Number 3 of 1997 as amended by Regulation of the Head of the National Land Agency Number 8 of 2012 concerning Provisions for the Implementation of Government Regulation Number 24 of 1997 concerning Land Registration (hereinafter referred to as Perkaban No.8 of 2012), which states that a certificate of evidence as an heir can be in the form of:

1. The will of the heir, or
2. Court decisions, or
3. Determination of the Judge/Chief Justice, or
4. for native Indonesian citizens: heir certificate made by the heirs witnessed by 2 (two) witnesses and confirmed by the village/sub-district head and the subdistrict head where the heir lives at the time of death, for Indonesian citizens of descent Chinese: Certificate of Inheritance from Notary Public, for Indonesian Citizens of other foreign Eastern descent: Certificate of Inheritance from the Heritage Hall.
5. written power of attorney from the heirs if the applicant for registration of transfer of rights is not the heir concerned;
6. proof of identity of the heirs.

In this article, the authority of a Notary in making a Certificate of Inheritance is limited to Indonesian Citizens of Chinese descent, the difference in handling in making an Inheritance Certificate is based on the above article, based on the provisions of Perkaban Number 3 of 1997 still referring to Article 163 IS which is an inheritance rule. during the colonial era, the Dutch East Indies government applied the principle of

population classification. In addition, Article 111 paragraph (1) letter c of Perkaban Number 3 of 1997 only explains the preparation of a Certificate of Inheritance which is used as evidence of heirs in the implementation of land rights registration activities due to inheritance.

The principle of population classification since the enactment of the Population Administration Law is no longer valid, especially in the provisions of Article 111 paragraph (1) letter c of the Regulation of the Head of the National Land Agency Number 3 of 1997 as amended by Regulation of the Head of the National Land Agency Number 8 of 2012 concerning Amendments to Regulations State Minister for Agrarian Affairs/Head of the National Land Agency Number 3 of 1997 concerning Provisions for the Implementation of Government Regulation No. 24 of 1997 concerning Land Registration (hereinafter referred to as Perkaban Number 3 of 1997). In other words, the provisions in Article 111 paragraph (1) letter c Perkaban Number 3 of 1997 are contradicting Article 106 of the Population Administration Law, due to inconsistencies in norms regarding the elimination of the principle of population classification.

Perkaban No. 3/1997 is an implementation rule of Government Regulation No. 24 of 1997 concerning Land Registration, based on the provisions in Article 7, the position of Act No. 23 of 2006 as amended by Act No. 24 of 2013 concerning Population Administration is higher than Perkaban Number 3 of 1997, based on the principle of *Lex Superiori derogate legi inferiori* it means that the rule of law which has a higher position will paralyze the rule of law which has a lower position. So that the provisions of Act No. 23 of 2006 as amended by Act No. 24 of 2013 concerning Population Administration paralyze or override the provisions of Perkaban Number 3 of 1997.

Based on the explanation above, when viewed from the perspective of Article 106 of Act No. 23 of 2006 as amended by Act No. 24 of 2013 concerning Population Administration, the authority to make a certificate of inheritance is not limited by the provisions of Article 111 paragraph (1) letter c Perkaban Number 3 of 1997, because population classification has no longer been applied since the enactment of the Population Administration Law.

Considering that the existence of an inheritance certificate is very important, it needs to be made in the form stipulated by law (authentic) in order to have perfect legal force. Notary deed in terms of inheritance can mean a will (Article 16 letter h of Act No. 30 of 2004 concerning the Position of Notary)/UUJN.

This legal basis can be used as the basis for making an inheritance certificate. So that on the basis of this law, the Notary Public can create a Certificate of Inheritance/Deed of Inheritance Rights which is applied to all Indonesians who need the assistance of a notary regarding inheritance issues without being based on the basis of Dutch law with the principle of differentiation or population classification.

Based on the perspective of Article 106 of Act No. 23 of 2006 as amended by Act No. 24 of 2013 concerning Population Administration, Notaries have the authority to make a Certificate of Inheritance regardless of population classification. The authority of the Notary in making the Certificate of Inheritance for Indonesian citizens is based on the provisions of Article 15 of the UUJN, so that the Certificate of Inheritance for Indonesian Citizens is made in the form of an authentic deed.

Thus, the Certificate of Inheritance made by a Notary is an authentic deed based on Article 1868 of the Civil Code. In terms of proof, a certificate of inheritance in the form of an authentic deed has perfect evidentiary value because it is made in the presence of an authorized official, namely a Notary.

Inheritance Certificate in the form of an authentic deed provides a perfect proof of what is contained in it, as long as the Inheritance Certificate can still be used, and the agreement contained therein has not ended, even though the parties have died, the heirs must and must comply with all the provisions contained in the Inheritance Certificate, but if the authenticity of the authentic deed is denied, the party who denies it must prove the untruth of the Inheritance Certificate.

Notaries have the authority to make a Certificate of Inheritance regardless of population classification. The authority of the Notary in making the Certificate of Inheritance for Indonesian citizens is based on the provisions of Article 15 of the UUJN,

so that the Certificate of Inheritance for Indonesian Citizens is made in the form of an authentic deed.

The role of the notary in making SKW is only to confirm that the existence of an SKW is very authentic evidence. In addition, the notary's role in the distribution of Islamic inheritance, but the one who has full authority to determine legal recognition and termination is the Court. Notary in the distribution of inheritance plays a role in making the Deed of Inheritance Statement and Certificate of Inheritance Rights. If there is a dispute, the notary can make peace deeds and/or an agreement to relinquish the rights of claim.

3.3 Constraints and Solutions to the Distribution of Inheritance Experienced by the Trustee of Orphans of Natural Disaster Victims.

- a. the guardian misuses the wealth of the orphan who is under guardianship
- b. If the child has inheritance from both parents in the form of land, it can result in inheritance disputes
- c. If the guardian cannot be fair with the orphan in guardianship, the orphan who is in guardianship will be the victim, both body and soul victim
- d. lack of public understanding of guardianship of orphans in guardianship and the roles and responsibilities of guardians.
- e. still using the Dutch East Indies rules or still using based on population group.
- f. sometimes people only think that the role of a notary is only reserved for people who are subject to Western regulations

solutions to these constraints :

- a. The need for strict guardianship of the child, both self-guardianship of the child and the child's assets. This has been explained in the Compilation of Islamic Law, guardianship and child custody is fully regulated in Articles 107 to 110 KHI.

- b. The main requirement that must be possessed is an original Inheritance Certificate (SKW) which comes from the child's parents or the beneficiary, so that no other party, even his own parents or relatives or guardians, will take legal action against the child's property except for the benefit of a very urgent child on the condition that there must be a decision or permission from the local Religious Court. This is done in the context of legal protection for the recipient of the rights of a child who is still a minor, so that no other party, even his own parents or siblings or guardians, will take legal action against the child's property except for the child's very urgent interest on condition that there must be a provision. or permission from the local religious court,
- c. If the guardian cannot act fairly like this, then his guardianship rights will be lost. This has been regulated in Article 109 KHI, namely the revocation of guardianship power is carried out at the request of a relative.
- d. the need for socialization and direction to the community by related parties regarding the issue of child guardianship and how to solve it, and if it is thought that they cannot solve the problem, can ask for help from parties who have more full authority on the problem.
- e. Since the enactment of Act No. 24 of 2013 concerning Population Administration, population classification has no longer been applied since the enactment of the Population Administration Law. This is because of the equal distribution of the population.
- f. There needs to be a socialization regarding the role of notaries to the public, that the role of notaries is not only aimed at people who are subject to the Western Civil Code (BW). The role of a notary is intended for all groups, be it religion, race, ethnicity, etc. without discriminating this matter because we already know that our country has tried to be fair to all people so that there is equality in all aspects of the field. This is done by a notary, so that one day there will be no abuse by irresponsible persons and the role of the notary is

a very noble role, namely wanting to help resolve disputes that are being experienced by the community.

4. Closing

4.1 Conclusion

1. Implementation of the provisions of the Compilation of Islamic Law Regarding the Distribution of Inheritance to Orphans of Natural Disaster Victims who are in Trusteeship, it is very clear that the implementation of the distribution of inheritance assets has been stated in the provisions of Article 187-188 of the KHI. From the provisions of Article 187-188 KHI, the distribution of inheritance to orphans who are victims of natural disasters who are in trusteeship can be done by dividing it independently or can be resolved in a family manner, but if it cannot be distributed fairly, it will be sued to the Religious Court as stipulated in Article 188 KHI.
2. Act No. 24 of 2013 concerning Population Administration, the authority to make a certificate of inheritance is not limited by the provisions of Article 111 paragraph (1) letter c of Perkaban Number 3 of 1997, because population classification has no longer been applied since the enactment of the Population Administration Law. Notaries have the authority to make a Certificate of Inheritance without considering population classification. The authority of the Notary in making the Certificate of Inheritance for Indonesian citizens is based on the provisions of Article 15 of the UUJN, so that the Certificate of Inheritance for Indonesian Citizens is made in the form of an authentic deed.

The role of the notary in making SKW is only to confirm that the existence of an SKW is very authentic evidence. In addition, the notary's role in the distribution of Islamic inheritance, but the one who has full authority to determine legal recognition and termination is the Court. Notary in the distribution of inheritance plays a role in making the Deed of Inheritance Statement and Certificate of Inheritance Rights. If there is a dispute, the

notary can make peace deeds and/or an agreement to relinquish the rights of claim.

3. Constraints and solutions to the distribution of inheritance experienced by the guardianship of orphans who are victims of natural disasters, namely:

- a. the guardian misuses the wealth of the orphan who is under guardianship
- b. If the child has inheritance from both parents in the form of land, it can result in inheritance disputes
- c. If the guardian cannot be fair with the orphan in guardianship, the orphan who is in guardianship will be the victim, both body and soul victim
- d. lack of public understanding of guardianship of orphans in guardianship and the roles and responsibilities of guardians.
- e. still using the Dutch East Indies rules or still using based on population group.
- f. sometimes people only think that the role of a notary is only reserved for people who are subject to Western regulations solutions to the distribution of inheritance experienced by guardians of orphans who are victims of natural disasters are as follows:
 - The need for strict guardianship of the child, both self-guardianship of the child and the child's assets. This has been explained in the Compilation of Islamic Law, guardianship and child custody is fully regulated in Articles 107 to 110 KHI.
 - The main requirement that must be possessed is an original Inheritance Certificate (SKW) which comes from the child's parents or the beneficiary, so that no other party, even his own parents or relatives or guardians, will take legal action against the child's property except for the benefit of a very urgent child on the condition that there must be a

decision or permission from the local Religious Court. This is done in the context of legal protection for the recipient of the rights of a child who is still a minor, so that no other party, even his own parents or siblings or guardians, will take legal action against the child's property except for the child's very urgent interest on condition that there must be a provision. or permission from the local religious court,

- If the guardian cannot act fairly like this, then his guardianship rights will be lost. This has been regulated in Article 109 KHI, namely the revocation of guardianship power is carried out at the request of a relative.
- the need for socialization and direction to the community by related parties regarding the issue of child guardianship and how to solve it, and if it is thought that they cannot solve the problem, can ask for help from parties who have more full authority on the problem.
- Since the enactment of Act No. 24 of 2013 concerning Population Administration, population classification has no longer been applied since the enactment of the Population Administration Law. This is because of the equal distribution of the population.
- There needs to be a socialization regarding the role of notaries to the public, that the role of notaries is not only aimed at people who are subject to the Western Civil Code (BW). The role of a notary is intended for all groups, be it religion, race, ethnicity, etc. without discriminating this matter because we already know that our country has tried to be fair to all people so that there is equality in all aspects of the field. This is done by a notary, so that one day there will be no abuse by irresponsible persons and the role of the notary is a very noble role, namely wanting to help resolve disputes that are being experienced by the community.

4.2 Suggestion

1. It is hoped that the public will want to explore knowledge and want to find out about the problems and how to deal with problems regarding the problem of inheritance and the distribution of Islamic heritage in Indonesia. So that one day an unwanted problem occurs, the community knows what steps they should take.
2. It is recommended that the Notary/Land Deed Making Officer has more control over the law of inheritance and distribution of inheritance in Islamic, customary and western religions. This is intended so that in carrying out their duties and positions they become more professional. And can help resolve the problems currently faced by the client concerned.
3. It is hoped that the government will further emphasize the laws that apply in Indonesia, and the need for the government to review the regulations that are still used by the community, so that there will be synchronization between the laws and events/facts in the field.

5. References

Journals:

Siti Nurmawan Sinaga, SKM, M.Kes, "Peran Petugas Kesehatan Dalam Manajemen Penanganan Bencana Alam Jurnal Ilmiah Integritas", Vol.1 No. 1 Januari 2015

Books:

[1] Sudibyakto. (2011). *Manajemen Bencana di Indonesia Ke Mana*. Jogjakarta : Gadjah Mada Univeristy Press.

[2] Jan Sopaheluwakan dkk.(2006). *Kajian Kesiapsiagaan Masyarakat dalam Mengantisipasi Bencana Gempa Bumi dan Tsunami*, LIPI - UNESCO/ISDR.

[3]Wahbah az-Zuhaili, 2011, *Fiqih Islam Wa Adilatuhu*, Diterjemahkan oleh Abdul Hayyie al-Kattani, dkk, jilid 10/cet. Ke 10, jakarta: Gema Insani.

[4]Amir Syarifuddin, *Hukum Kewarisan Islam*. Jakarta : Prenada Media Group.

[5]Mardani. (2016).*Hukum Keluarga Islam di Indonesia*, cet I, Jakarta:Prenada Media Group .

Internet:

[1]<https://media.neliti.com/media/publications/164891-ID-perwalian-terhadap-pengurusan-harta-anak-pdf> accessed on Friday June 20, 2020 at 11.03 WIB

[2] <https://smartlegal.id/hukum-keluarga/2018/12/26/syarat-perwalian-anak-dibawah-umur/> accessed on Friday June 12 , 2020 at 20.26 WIB.

Regulation:

Compilation of Islamic Law Article 171 - Article 193.